

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PEDRO GARCIA,

Plaintiff,

v.

DAVIS, et al.,

Defendants.

3:20-cv-0071-MMD-CLB

ORDER

On February 2, 2021, the court screened Plaintiff's complaint and allowed Count I to proceed against John Doe #1 (a dentist at High Desert State Prison "HDSP") and Jane Doe #2 (a dental assistant at HDSP) when plaintiff learns their identities. (ECF No. 14). Plaintiff has now identified John Doe #1 as Dentist Albert Castellan and Jane Doe #2 as Dental Assistant Pamela McCutchen and asked for the court to issue summons for these defendants. (ECF Nos. 33, 34, & 35). Defendants have opposed Plaintiff's motions and asked the court to require Plaintiff to file a motion to amend. (ECF Nos. 37 & 38). Thereafter, Plaintiff filed a document entitled a response and a request to amend. (ECF No. 39).

The court will not require Plaintiff to file a motion to amend because the screening order specifically stated as to John Doe #1 and Jane Doe #2 that "[t]he court will permit this claim to proceed against John Doe #1 [and Jane Doe #2] when Plaintiff learns his [and her] identit[ies]." (ECF No. 14, pg. 8, lines 20-21 and pg. 10, lines 15-16.) The court in its discretion finds that requiring Plaintiff to file a motion to amend is not necessary.

Therefore, Plaintiff's motions identifying unserved Defendants (ECF No. 33 & 34) are **GRANTED**. Plaintiff's motion requesting issuance of summonses for Defendants is (ECF No. 35) is **DENIED as moot**. Plaintiff's response/request to amend (ECF No. 39) is **DENIED as moot**. Dentist Albert Castellan shall be substituted in place of John Doe #1 and Dental Assistant Pamela McCutchen shall be substituted in place of Jane Doe #2.

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1 The Office of the Attorney General shall file a notice of acceptance of service or the
2 last known address of these Defendants on or before **Friday, June 25, 2021**. As to any
3 defendant for whom the AG accepts service, an answer will be due on or before
4 **Wednesday, July 2, 2021**.

5 **DATED:** June 17, 2021.

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8 **UNITED STATES MAGISTRATE JUDGE**